IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6367/2007.

Radha Kishan and anr.
Vs.
Rent Tribunal Alwar and anr.

Date of order :- 6/9/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri G.D. Parwal and
Shri Rahul Gheeya for the petitioners.
Shri D.K. Bhardwaj for the respondents.

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BY THE COURT:-

The petitioners have filed this writ petition challenging the order dated 10/8/2007 passed by the Rent Tribunal, Alwar whereby, the said Tribunal while partly accepting the appeal of the petitioners allowed the certified copies of judgment in suit filed by the respondent-landlord to be taken on record whereas photocopy of the income-tax assessment order filed by the petitioners was refused to be taken on record. The petition for eviction was filed against the petitioners-tenants by the respondent-landlord on the ground of reasonable bonafide necessity.

2) Learned counsel for the petitioners argued that when other documents of the petitioners which were not the certified copies of the documents were taken on record, there was no reason for the Tribunal not to take the photocopy of the income-tax assessment order on record submitted by them showing the income of the respondent-landlord to test the ground of his personal bonafide necessity.

3) Learned counsel for the respondent has opposed the writ petition and argued that the application was filed by the petitioners at the last stage when the matter was directed to be listed for final hearing and according to the provisions of the Rent Control Act, 2001 such documents are required to be filed along with the reply to the application. It was further argued that photocopy of the income-tax assessment order could not be taken on record. The petitioners have been adopting delayed tactics.

4) Having heard learned counsel for the parties and perused the impugned-order and other material available on record, I find that the finding of the learned Tribunal while accepting the certified copy of judgment passed in the suit to be taken on record

and declining to accept the photocopy of the income-tax assessment orders cannot be described as perverse nor it can be held erroneous. Moreover, the application was filed by the petitioners at a much belated stage. Allowing the photocopy of the income-tax assessment order even otherwise, could not be because that was not certified copy of the assessment order.

5) I do not find any perversity or impropriety in the impugned-order of the Tribunal.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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